Initially, it should be noted that there are now a total of16 claims with four (4) independent claims. Inasmuch as the total number of claims and independent claims is less than that originally filed, no additional official claim fee is required.

With respect to the Examiner's request for copies of two references in the PCT Search Report, copies will be supplied shortly.

The claims have been amended to resolve the 112 rejection of the claims and to better highlight the novel features of the invention over the prior art cited by the Examiner. Before discussing the 102 and 103 rejections in detail, it should be noted that the Applicant's invention is directed to a floor waste assembly which has significant advantages. One is that it overcomes the problem of misalignment with floor tiles which was previously the case with the conventional grates. According to the prior art, a floor tiler had to lay tiles or like floor cladding about a floor grate with the grate dictating the available locations of joins for the tiles. The quality of the tile finish was dictated by whether the gate position would allow the tiler to locate the grate in say the middle of a tile thereby having to only cut one tile. If the grate caused the tile junction to coincide with the grate position the tiler had to cut up to four tiles to fit around the grate. This lead to an unsightly appearance. However, as the position of the grate was dictated by the underfloor plumbing as it required direct connection to it, there was no flexibility as to the position of the grate (floor waste). The invention allows flexibility within the periphery of the collecting receptacle to move the grate about to a desired location as the grate itself is not attached directly to the underfloor plumbing. This allows a tiler to locate the grate himself when tiling the

floor as he has about 1 square foot within which to move the grate to achieve the best position to accommodate the tile finish required.

As will be discussed in greater detail hereinafter, it is respectfully submitted that the prior art references cited by the Examiner neither disclose nor suggest the invention as now claimed.

With respect to the rejection of Claims 1-5, 13-20 and 30 and 32 as being anticipated by the PCT Application WO80/01701, this patent is directed to a floor connection for sewers for connecting different discharge units. The object of this invention is entirely different and provides a system which prevents propagation of moisture and provides good sealing against floor coverings. Thus the patent is directed to a different object and does not teach the solution to alignment with or accommodation of floor cladding. The nearest the specification comes to the invention is the reference conduit 10 which is clearly not a floor grate, as presently claimed.

With respect to the '103 rejection fo Claims 1-5, 13-20, 30 and 32 as being obvious over Dallmer, O'Brien, or British patents 22269/01, 22403/02 or 13586/03, Dallmer is directed to a surface drain which is not unlike conventional floor grates except that it includes a disc which cane be rotated to ensure that tile joins are parallel to floor tiles. The object of this invention is different and provides a grate which includes an eccentricity between the axis of the square frame and an axis of an attached cylinder. The grate frame can be moved relative to the cylindrical insert allowing adjustments when the cylinder is inserted. This is a complicated system and is limited by the disadvantage that the degrees of freedom of the cylinder is limited to

rotation as the concrete floor dictates one position for the cup shaped drain body 14. On the other hand, the present invention due to the inclusion of a collecting receptacle allows a significant freedom to position the grate when underfloor plumbing does not precisely align with the grate. The device in Dallmer must align with underfloor plumbing and then allows minor adjustment of the grate by rotation only.

O'Brien is directed to a trap and catch basin for sewers and drainage networks. The object of this invention is entirely different and provides a trap and catch basin including an outlet trap. There is no teaching of a grate which can be located to accommodate tiles or like floor cladding. Thus the invention is directed to a different object and does not teach the solution to alignment with or accommodation of floor cladding.

GB 22269/01 does not teach the invention. Rather it is directed to a drainage waste and trap including a removable grate which may only be located on one predetermined position in the assembly. Again the invention is directed to a different object from that taught by the present invention. The grate is not designed to accommodate floor cladding not is the grate in an insert forms part of a floor. The same is true of GB patents '02 and '03.

With respect to the 103 rejection of former Claims 6-12 and 31 as being obviousness over the above noted references, in further view of Decker or Sisk, these secondary references do not cure the deficiencies of the primary references. Decker is directed to a surface drain and trap for improving the seepage resistance in locations such as showers. The invention is intended to overcome the problem of seepage

about the outside of a floor grate, which is not unlike conventional floor grates. The object of this invention is therefore different and provides a grate which includes a design which carries away seepage by a reversal of the strainer plate. The grate is below floor level and functions as a conventional grate. The present invention on the other hand due to the inclusion of a collecting receptacle allows a significant freedom to position the grate when underfloor plumbing does not precisely align with the grate.

Sisk is directed to a finish rim for a surface drain and the like. The finish rim is beveled and formed on its underside precisely to register with the top of the drain body while the top of the finish rim is formed in a substantially exact duplication of the top of the drain body. The finished rim may be interposed between the top of the drain body and the grate without requiring any change or adaption in the structure of ether. It is submitted that this invention does not signpost the invention nor teach its basic features.

Concerning the 102 and 103 rejection of former Claims 1 and 2 as being unpatentable over the British Patent 16588/93, as noted above, this patent does not teach the invention and is instead directed to a drainage waste and trap including a removable grate which may only be located on one predetermined position in the assembly.

Applicant hereby requests a three-month extension of time to respond to the outstanding Office Action. A check in the amount of $460.00 is enclosed

herewith for the official fee associated therewith. In the event of any deficiency for the required amount for an extension of time, please debit Deposit Account No. 07-0130.

In view of the foregoing, it is respectfully submitted that all of the claims now in the application are patentably distinguishable over the references of record. Accordingly, reconsideration and withdrawal of the rejection and allowance of the claims at an early date are earnestly solicited.

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Respectfully submitted,

Thomas M. Galgano, (27,638)
Daniel P. Burke, (30,735)
GALGANO & BURKE
Attorneys for Applicant
300 Rabro Drive, Suite 135
Hauppauge, NY 11788
(631) 582-6161

Enclosure: Three-month extension of time, check for $460.00, postcard

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